

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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VICKI L. LaFRENIERE,

Plaintiff,

7:09-CV-0167  
(GTS/VEB)

v.

MICHAEL J. ASTRUE, Comm'r of Soc. Sec.,  
Defendant.

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APPEARANCES:

OF COUNSEL:

CONBOY McKAY BACHMAN & KENDALL, LLP  
Counsel for Plaintiff  
307 State Street  
Carthage, New York 13619

LAWRENCE D. HASSELER, ESQ.

SOCIAL SECURITY ADMINISTRATION  
OFFICE OF REGIONAL GENERAL COUNSEL  
Counsel for Defendant  
26 Federal Plaza, Room 3904  
New York, New York 10278

TOMASINA DiGRIGOLI, ESQ.

HON. GLENN T. SUDDABY, United States District Judge

**DECISION and ORDER**

The above-captioned action comes to this Court following a Report-Recommendation by United States Magistrate Judge Victor E. Bianchini, filed on July 27, 2010, recommending that (1) the Commissioner's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) the Commissioner's decision denying disability benefits be reversed, and (4) the case be remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 17.) Objections to the Report-Recommendation have not been filed, and the time in which to do so has expired. After carefully reviewing all of the papers in this action, including Magistrate Judge Bianchini's thorough Report-Recommendation, the Court can find no error in the Report-Recommendation,

clear or otherwise. As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; the Commissioner's decision denying disability benefits is reversed; and the case is remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

**ACCORDINGLY**, it is

**ORDERED** that Magistrate Judge Bianchini's Report-Recommendation (Dkt. No. 17) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

**ORDERED** that the Commissioner's motion for judgment on the pleadings (Dkt. Nos. 7, 14) is **DENIED**; and it is further

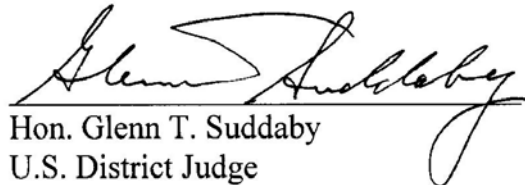
**ORDERED** that Plaintiff's motion for judgment on the pleadings (Dkt. Nos. 1, 9) is **GRANTED**; and it is further

**ORDERED** that the Commissioner's decision denying disability benefits is **REVERSED**; and it is further

**ORDERED** that this matter is **REMANDED** to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g); and it is further

**ORDERED** that the Commissioner assign a different Administrative Law Judge on remand.

Dated: September 22, 2010  
Syracuse, New York

  
Hon. Glenn T. Suddaby  
U.S. District Judge